



Staff Report

CONTINUED DISCUSSION OF REVISIONS TO THE CITY COUNCIL PROTOCOLS (continued from January 22, 2008)

Honorable Mayor and Council Members:

Summary

In January, the Council began a discussion on revisions to the Council Protocols, a document that guides how the Council performs its duties. Consensus was reached on a variety of issues, but the discussion was continued for further discussion and direction.

Background

In 1999, the City Council developed and adopted a set of Protocols to be used as a guide for how the Council performs its duties. The Protocols have subsequently been modified a number of times since then, since practices and the makeup of the Council have changed since the last review.

Discussion

Attachment A to this report is a draft update to the Protocols (including Appendices). Amendments already agreed to in January are included, including the retention of electronic video of meetings for ten years, as discussed. This will be accomplished through an expansion of the contract with our vendor. The following areas should be addressed during the next discussion:

- Page 3, Priority Calendar “override” process
- Page 9, Addressing the Council
- Page 13, Council Member support (specifically addressing email responses)
- Page 15, Commission Appointments (this section added to the list for review since January’s review)
- Other items, as needed

Once the Council has addressed all items, a final version will be brought back for adoption by Resolution.

General Plan/Vision Statement

No impact.

Fiscal Impact

No impact.

Public Contact

Item was placed on the City Council agenda.

Recommendation

Staff recommends that Council review the Protocols and provide direction regarding any additional amendments, other than those outlined in the draft. A resolution with an amended copy of the Protocols capturing all the changes will come back to Council at a subsequent meeting.

Alternatives

1. Provide other amendments for the Protocols
2. Continue this item for further discussion, providing direction to staff
3. Take no action

Attachments

- A. Draft Protocols (with recommended changes highlighted)

Respectfully submitted,

Terri Cook, City Clerk

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Attachment A

CITY COUNCIL PROTOCOLS

Draft 2008

I. COUNCIL MEETINGS

- A. Regular Meetings - Regular meetings of the Belmont City Council shall be held the second and fourth Tuesday of the month at a time and place publicly noticed. All meetings (including special meetings) shall be adjourned no later than 10:30 p.m. unless the Council Members, by a majority vote of the Council Members present at the meeting, elects to continue the meeting to a later hour or to reconvene at a later date. All regular Council meetings are televised. Study sessions are *usually* televised and normally run from 6:30 P.M.–7:30 P.M.
1. Other Locations - The City Council may, from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.
 2. Location During Local Emergency - If, by reason of fire, flood or other emergency, it shall be unsafe to meet in Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Vice Mayor or the City Manager.
 3. Canceled Meetings – When the date for any regular meeting falls on a legal holiday, or a citywide election day, the regular meeting for that day shall be deemed canceled or rescheduled to an alternate date. The City Council must meet regularly at least once a month.
- B. Special Meeting & Emergency Meetings - Special meetings and emergency meeting of the City Council may be called by the Mayor or majority of the City Council and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
- C. Adjourned Meetings – The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and space specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)

- D. Closed Sessions – The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law to be heard or considered in closed session. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Ralph M. Brown Act.
- E. Cancellation of Regular Meetings – Any meeting of the City Council may be canceled in advance by a majority vote of the Council Members. (Such cancellation shall occur no later than the last regular meeting before the meeting to be cancelled.)
- F. Quorum - A majority of the Council Members is sufficient to do business, and motions may be passed 2 –1 if only 3 attend. There are some actions such as ordinances, resolutions, granting franchises and payment of money that may require at least 3 affirmative votes. When there is no quorum, the Mayor, Vice Mayor or any Council Member shall adjourn such meeting or if no Council Member is present, the City Clerk shall adjourn the meeting.
- G. Chair – The Mayor shall have the authority to preserve order at all City Council meetings, to remove any person from any meeting of the City Council for disorderly conduct, to enforce the protocols of the City Council and to determine the order of business under the rules of the City Council. The Mayor, or designee, shall also have the power to administer oaths and affirmations.
 - 1. Absence of Mayor - The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.
 - 2. Mayor or Vice Mayor Absence – When the Mayor and the Vice Mayor are absent from any meeting of the City Council, the Members present may choose another Member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.
- H. Attendance by the Public - Except as specifically provided by law for closed sessions, all meetings of the City Council shall be open to the public in accordance with the terms, provisions and exceptions of the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
 - 1. Rights of Citizens Attending Meetings - Citizens have the right to attend all open meetings of the City Government and they may be permitted to address the body on subjects relevant to its business. However, citizens must observe all the rules and regulations of the City of Belmont regarding attendance and addressing its Members.
 - 2. Members of the public attending the meetings of the City of Belmont do not have the right to interrupt or heckle. They have the right only to seek permission to be heard or to ask questions in accordance with whatever provisions for hearing public opinions or answering questions are fixed by law or have been adopted as

rules of the body. They also have the right to submit written petitions, protests, and requests for hearings.

- I. Minutes - Minutes of City Council meetings will be summary minutes. Summary minutes will include final motions with votes. The minutes will also reflect the names of public speakers and a summary of comment from the public, staff and City Council. Verbatim minutes will be prepared only by a majority vote of the City Council or as directed by the City Attorney or by Court Order.
 1. Comments for the Record - If a Council Member desires for a comment to be included in the minutes, it is his or her responsibility to indicate that the statement is “for the record” before making the comment.
 2. Timing of City Council Approval of Minutes – Minutes of meetings are submitted to the City Council within two meetings for approval. Questions, changes, or additions to draft City Council minutes must be submitted in writing by 10:00 a.m. the Monday prior to the City Council meeting to allow time for the City Clerk to review the tapes of the meeting in order to verify the request. If written questions cannot be submitted by 10:00 a.m., the Monday prior to the meeting, the Council Member with the question should request the change and ask for a continuation of the minutes in order to allow the Clerk the time to review the tapes.

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New Item 3:

Recordings of Meetings – Audio-visual recordings of proceedings will be maintained in electronic format through the City’s website for a period of ten years. CD-ROM and DVD recordings in “hard” format will be maintained by the City Clerk for a period of one year, and copies may be purchased for a fee set in the Master Fee Schedule. The fee will be waived for Councilmembers.

- J. City Council Agenda - The following rules for the preparation of the agenda for the City Council meetings are based on the premise that it is in the interest of good government that the City Council of Belmont be fully informed on all matters upon which it is called upon to act. The City Council relies upon the members of the City staff to perform research, conduct investigations, furnish technical information and recommend solutions to various problems of City Government, and that proper and thorough research and investigation requires time.

The following persons shall have the authority to place matters on the agenda:

- Any Member of the City Council submitting a request in writing.
- The City Manager and in the City Manager’s absence, the person designated as Acting City Manager.
- The City Attorney and in the City Attorney’s absence, the Deputy City Attorney.

Agenda requests by Council Members: (This area to be a subject of continued discussion.)

Any Council Member may place on the agenda under Item 9 a request to have any City policy or program reviewed or a new issue examined. The Item 9 agenda item shall state the topic to be reviewed or analyzed and the name of the Council Member(s) submitting the request. The Councilmember submitting the request may submit a memo or report summarizing his/her position on the matter. No staff work shall be done for these items prior to discussion by the entire City Council. Council Members may vote on an item at the next meeting if there is no need for additional staff analysis on the item for the City Council to make an informed decision. Item #9's that meet the threshold for Priority Calendar issues (one time issues, forty or more hours of staff analysis required, etc.) would have a Project Description Form (PDF) developed and be added to a "proposed" list as they are suggested. Council will review the proposed list of Priority Calendar items, as well as all pending items, once a year. For Item 9's that are time sensitive, a vote by a majority of the Council could request that it be taken up "out of order" (before the annual review). A majority vote would lead to staff developing a PDF and a report to Council with any other relevant background information such as impact on workload or other projects. If, after being presented the PDF and background, the Council wanted to move forward with the item prior to the annual priority-setting, a majority vote is required to request staff proceed with the study.

Agenda requests by Staff:

The City Manager shall be responsible for placing on the agenda those items requested by the Department Heads and the Chief of the South County Fire Authority. In exercising this task the City Manager shall exercise discretion in order to achieve the orderly performance of the City's business. Should the City Manager place an item on the agenda under Section 8 that involves new research on policy issues, it should follow the same process as Council Item 9's.

The deadline for submitting agenda items shall be prior to agenda setting with the Mayor/Vice Mayor, (which is generally held 12 days prior to the City Council meeting). The City Manager, Mayor, Vice Mayor and City Clerk will review the draft agenda prior to the City Council meeting and a tentative agenda will be distributed to the entire Council after such review. Items submitted under Section 9 may be added up through 5:00 p.m. the Wednesday prior to the Council meeting.

The agenda shall be prepared by the City Clerk and approved by the City Manager.

Once the agenda has been posted, an item may not be removed from or added to the agenda without a vote of the Council Members.

Staff reports on major items will be forwarded to the Council in advance of regular Council packet distribution, if possible.

- K. Council Member Questions – Council Members are encouraged to submit questions or requests for

clarification or additional information in advance of the Council meeting. Agenda questions submitted by the Council Members and in writing, via electronic mail or fax, by 10:00 a.m. the Monday prior to the City Council meeting will be briefly responded to in writing prior to the City Council meeting. If staff needs more time to provide a response, they will request a continuance.

II. ORDER OF BUSINESS

- A. General Order - The business of the City Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified (numbers below reflect the location on the agenda where that item is found). A closed session may be held at any time during a meeting consistent with applicable law.

ROLL CALL

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF CLOSED SESSION ITEMS (If applicable)

1. SPECIAL PRESENTATIONS

2. PUBLIC COMMENTS AND ANNOUNCEMENTS (15 minutes)

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

3. AGENDA AMENDMENTS

4. CONSENT CALENDAR

- approval of the minutes
- communications
- regular business

5. HEARINGS

6. OLD BUSINESS

7. NEW BUSINESS

8. COMMISSION, COMMITTEE UPDATES, STAFF ITEMS, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT REPORTS

9. MATTERS OF COUNCIL INTEREST/CLARIFICATION

PUBLIC COMMENTS AND ANNOUNCEMENTS (continued)

ADJOURNMENT

- B. Action Agenda Items - In accordance with the Ralph M. Brown Act, the City Council may not take action on any item that did not appear on the posted City Council agenda 72 hours prior to the City Council meeting unless an exception is made as permitted under Government Code §54 950 et. seq.
- C. Special Presentations/Study Sessions – All special presentations will be calendared and coordinated through the City Manager and reviewed with the Mayor.
1. City Council Announcements – Council Member announcements will be limited

to notification of community events, functions and/or comments on city operations and/or projects. Concerns or matters of current, pending or future City Council deliberation are not considered announcements. Individual Council Member announcements should be limited to 3 minutes. (Reports from Council Intergovernmental Assignments should be made during Item 8 on the Agenda.)

2. Honorary Proclamations and Resolutions - All requests should be given to the Mayor, through the City Clerk's Office, for consideration. The subject should be Belmont-related and it will be within the Mayor's discretion whether to prepare such a document and/or place it on the agenda. Proclamations may also be issued "off-line" (i.e., without being placed on the agenda.)

- D. Consent Calendar - Agenda items removed from the consent calendar by Council Members, members of the public or staff will be considered prior to the next agenda item. Members of the public may comment on consent items prior to the City Council's consideration of the consent agenda.

A Council Member may vote "no" or "abstain" on any consent item without comment or discussion. Any comments, questions or discussion on an item will require the pulling of the item from the consent calendar.

- E. Standard Adjournment - The Belmont City Council establishes 10:30 p.m. as the general hour of adjournment.

If items remain on the agenda after the 10:30 p.m. adjournment time, a majority vote of the Council can extend the meeting, or a special meeting may be scheduled or the items deferred to the next meeting. Meeting extension shall be in increments in not less than 30-minutes. Deferred items will appear as "Old Business".

III. RULES OF CONDUCT

- A. General Procedure - It is the intent of the Council to follow Roberts Rules of Order. Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the full City Council.
- B. Authority of the Chair - Subject to appeal to the full City Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
- C. Mayor to Facilitate City Council Meetings - The City Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of City Council meetings. In the role as facilitator, the Mayor will assist the Council Members to focus on their agenda, discussion and deliberations.
- D. City Council Deliberation & Order of Speakers - The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon by name in the order the requests to speak were received by the City Clerk.
- E. Questions Addressed to Another Council Member - With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member; that Council Member may respond while the floor is still held by the Council Member asking the question. A Council Member may opt not to answer a question while another Council Member has the floor.

- F. Limit Deliberations to Item at Hand - Council Members will limit their comments to the subject matter, item or motion currently being considered by the City Council.
- G. Length of Council Members Comments - Council Members will govern themselves as to the length of their comments or presentation. The City Council has delegated to the Mayor the responsibility to assist Council Members by signaling when the Council Member has been speaking for over five minutes.
- H. Council Members Presentations - Council Member presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, Council Members must provide the City Clerk advance notice of the intent to make a presentation.
 - 1. Title Page - Presentations will be prepared by individual Council Members and will have a title page indicating that the opinions or positions presented are that of the individual Council Member.
 - 2. Staff Assistance - Staff will assist Council Members to insure that the presentation is computer compatible and working correctly prior to the Council Meeting.
 - 3. Computer Software - Software will be provided for those Council Members with a home or business computer and wishing to use it rather than computers at City Hall.
 - 4. Copy of Presentation - To insure a complete record of the meeting, Council Members will provide a copy of the presentation to the City Clerk after the Council meeting.
- I. Obtaining the Floor - Any Council Member wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Council Member who seeks the floor when appropriately entitled to do so.
- J. Motions - Motions may be made by any Council Member, including the presiding officer, providing that before a motion is offered by the presiding officer, the opportunity for making a motion should be offered to other Council Members. Any Council Member, other than the person offering the motion, may second a motion.
- K. Procedure For Motion - Before a motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Council Member properly recognized by the Chair. Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed, provided, however, Council Members may be allowed to explain their vote.
- L. Motion Amendments - When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.

- M. Ordinances - Motions offering ordinances are deemed to include waiver of full reading and title of the ordinance unless otherwise specifically stated.
- N. Voting - Any Council Member present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified (recused) from voting and abstains because of such disqualification. If a Council Member is recused, he or she should state the reason for the recusal for the record, and should leave the room. The City Council may vote by roll call, ballot or a show of hands. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record by the City Clerk.
- O. Abstention - An abstention does not count as a vote for or against a matter. If a Council Member abstains, he/she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those Members present and voting."
- P. Tie Votes - A tie vote results in a lost motion. In such an instance, any Council Member may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
- Q. Motions for Reconsideration - Motions for reconsideration of a matter may be made at the same meeting. Such a motion may only be made by a Council Member who voted with the side that prevailed on the previous action. With regard to tie vote resulting in a lost motion, the prevailing side will be deemed to be those Council Members who voted in the negative. Any Council Member may second a motion for reconsideration.
- R. Non-Observance of Rule - Rules adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the City Council.
- S. Polling of the Audience - Shall be at the discretion of the Mayor.

IV. ADDRESSING THE CITY COUNCIL

(This section of the Protocols applies to the Belmont Fire Protection District, the Redevelopment Agency, and City Council Meetings.)

- A. Staff Presentations - Staff presentations should generally be limited to no more than 10 minutes. Longer staff presentations must be approved by the City Manager prior to the City Council meeting.
- B. Oral Presentations by Members of the Public –
General
There are three times during the meeting for members of the public to speak: public comments and announcements (3 minute limit, at the beginning of the meeting),

agenda items, and public comments and announcements (at the end of the meeting). A lighted timer system will be utilized. The green light will be illuminated when the speaker's time begins. When the yellow light comes on, 30 seconds remain, and the speaker should wrap up his/her comments. At the red light, the Mayor should interrupt and tell the person s/he must end or speak more at the end of the meeting. If the speaker insists on continuing, the Mayor may direct the City Clerk to turn the power off to the podium microphone, or should call a short recess. *At the Mayor's discretion, in order to accommodate all public comments, or if the circumstances warrant, the three-minute limit may be modified.*

Oral presentations by members of the public at City Council meetings should adhere to the following guidelines:

1. Speaker Card - Prior to the meeting, or during the meeting prior to the point at which the person wants to speak, anyone wishing to address the City Council should fill out a speaker card specifying which part of the agenda they wish to speak on and submit it to the City Clerk. Members of the public are encouraged to submit Speaker Cards in advance of the agenda item, so that the Mayor can allocate appropriate time limits.
2. Comment Card – members of the public may also submit a “Comment Card” for *issues that are not on the agenda, or if he or she desires to submit comments on an agenda item without speaking*. Copies of Comment Cards will be forwarded to the Council and the City Manager or other staff member for direction, if necessary. If a Comment Card has been submitted on an item on the agenda, the City Clerk will read the comments into the record at the appropriate place on the agenda.
3. Speak from Podium - When called upon, the person should come to the podium, state his/her name for the record, and, if speaking for an organization or other group, identify the organization or group represented. Individuals who serve on City commissions or task forces but are not speaking on behalf of that group should so state. Speaking from the audience is not allowed.
4. Address Council - All remarks should be addressed to the City Council as a whole, not to individual Council Members thereof, nor to staff or other members of the public. (Council may wish to modify or eliminate this paragraph.)
5. Questions, if any, should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided.
6. Comments in Writing Encouraged - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to the Council Members and considered and acted upon, or not acted upon, as the City Council in its judgment may deem

appropriate. Written comments should be submitted via the City Clerk's office, or can be submitted electronically to the entire Council.

7. Written Material Presented at Meeting – Members of the public who wish to present written materials to the Council at the time of their oral comments should do so by handing the material to the City Clerk prior to beginning their oral comments. If sufficient copies are provided (7 copies recommended), those will be distributed. Otherwise, copies will be provided to the Council by the City Clerk subsequent to the meeting. Written materials are deemed public documents.
 8. Repetitious or Dilatory Comments Prohibited - Speakers shall not present the same or substantially same items or arguments to the City Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the City Council, whether the City Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the City Council, in its discretion, may deem appropriate.
 9. Group Comments – In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the City Council on the same subject matter, the Mayor may request that a spokesperson be chosen by the group and may grant additional time; and, in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the City Council. A specific time limit may also be set for the total presentation.
 10. Time Limits – Time limits are for each individual speaker submitting a card, and time cannot be “donated” to other speakers unless otherwise provided under “Group Comments”.
- C. Public Comments/Announcements - This is the period set aside at City Council meetings for members of the public to address the City Council on items *other than scheduled agenda items* or items currently in litigation. This portion of the City Council meetings is the opportunity for members of the public to address the City Council in compliance with Government Code Section §54954.3. No action will be taken by Council on issues raised under Public Comments/Announcements, and items may be referred to staff for followup.

Public comments are permitted at the beginning *and* end of a City Council meeting, as specified on the City Council agenda. The first period will be limited to no more than 15 minutes total for all speakers, with each speaker given no more than 3 minutes. If there are more than five (5) public speakers, each speaker's time may be reduced so that all speakers have an equal time to speak. The public comment period at the end of the meeting shall have no time limits beyond the Council adjournment

time. If there are multiple speakers, the Mayor may direct the City Clerk to use the lighted timing system.

- D. Agenda Item Oral Presentations – Any Member of the public wishing to address the City Council orally on City business matters appearing on the City Council agenda may do so when that item is taken up by the City Council, or as otherwise specified by the Mayor.

1. General Procedure - The City Council's procedure is generally as follows:

- a. Staff - The staff presents its report. (Council Members may ask questions of staff if they so desire but should refrain from discussing the substance of the matter at this point.)
- b. Public Discussion - When a matter on the agenda comes before the City Council, the Mayor will open the public comment section. Before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if any persons are present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Public comments are limited to three minutes each, and the lighted timer system will be used.
- c. Project Applicant – The following procedure will be followed for a presentation by a project applicant:
 - 1) A project applicant, or other person or entity with a substantial, direct property interest in an agenda item, or any duly designated representative of such a person or entity, shall have ten minutes for his/her presentation. If the project is complex in nature and/or scope, additional time may be requested of the Mayor in time for agenda setting prior to the meeting date for which said project presentation is scheduled (generally 12-13 days prior). The applicant has the opportunity to present his/her/its comments, testimony, or argument first.
 - 2) Members of the public are provided with the opportunity to present their comments, testimony or argument. Each speaker's time is limited to three minutes. The Mayor has the authority to limit total public comment period, and/or reduce the time for individual speakers based on the number of speakers.
 - 3) Following public testimony, project applicant shall have three minutes to provide rebuttal or clarification of any issues raised during the public comment portion.
 - 4) The Mayor, at his/her discretion, may modify speaker times, as appropriate.
- d. Project Appellant – The following procedure will be followed for an Appellant of a project appealed from a Planning Commission decision:
 - 1) The project appellant shall have ten minutes for his/her presentation. If the project is complex in nature and/or scope, additional time may be requested of the Mayor in time for agenda setting prior to the meeting date

for which said appeal hearing is scheduled (generally 12-13 days prior). The Appellant has the opportunity to present his/her/its comments, testimony, or argument first.

- 2) If the project applicant is not the appellant, he/she shall then have ten minutes for his/her presentation.
 - 3) Members of the public are provided with the opportunity to present their comments, testimony or argument. Each speaker's time is limited to three minutes. The Mayor has the authority to limit total public comment period, and/or reduce the time for individual speakers based on the number of speakers.
 - 4) Following public testimony, the Appellant and the Project Applicant (if not the Appellant) shall have three minutes each to provide rebuttal or clarification of any issues raised during the public comment portion.
 - 5) The Mayor, at his/her discretion, may modify speaker times, as appropriate.
- e. The opportunity for public input portion thereof is closed and Council Member discussion and consideration occurs. In this connection, there may be further questions of or comments by staff, or questions by the Council Members of others (including Applicant or Appellant) as deemed necessary or appropriate without reopening the public input portion.
- f. City Council decision occurs via motion.
- g. The Mayor or City Clerk will announce the final decision of the City Council.
2. Presentations Submitted in Writing - Persons (including Project Applicants or Appellants) who anticipate oral presentations exceeding time limits are encouraged to submit comments in writing, in advance, care of the City Clerk, for prior distribution to the City Council and other interested parties, whenever possible, by the Thursday morning preceding the scheduled City Council meeting relating to the matter or, if that is not possible, at the earliest feasible time prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations that may not be permitted.
 3. Due Process - The Mayor shall conduct the meeting in such a manner as to afford due process.
 4. Materials for Public Record - All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence (including paper copies of electronic presentations). All such evidence presented will be retained by the City Clerk as part of the City Clerk's record of the hearing, unless otherwise directed.
 5. Germane Comments - No person will be permitted during the hearing to speak about matters or present evidence that is not germane to the matter being

considered. A determination of relevance shall be made by the Mayor, but may be appealed to the full City Council.

6. Continuance of Hearings - Any hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re continued to any subsequent meeting.
7. Communications and Petitions - Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any Council Member.
8. Admissible Evidence - Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
9. Rules
 - a. Waiver of Rules – Any of the foregoing rules may be waived by majority vote of the Council Members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
 - b. Non Exclusive Rules – The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its Mayor, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes, of orderly and effective conduct of the affairs of the City.
 - c. Relationship of City Council to Electors – Council Members shall be guided by the following principles. The Council Members of the City of Belmont are elected by all of the people to serve as representatives of all of the people. Authority and responsibility for legislative enactments are vested in the City Council. California follows the City Council type of government where it is the function of the representatives to do that which, in their best judgment, is proper. California does not follow the “Town Meeting” type of government where the people legislate. Therefore, the City Council has authority to limit debate on any subject and to act in good faith regardless of the viewpoints of those present. The purpose of City Council meetings is for the City Council to debate openly on particular matters, to hear public expression thereon, and to inform the public of what the City Council is doing. No City Council is infallible and it is proper that public opinion be sought, but no Council Member can permit his judgment to become subservient to the criticism of City Council meeting attendants. Conversely, Council Members should remember that they are servants of the people, not free agents, in administering the affairs of government

It is the responsibility of the Chair to control public debate so that repetitive or irrelevant remarks are not made, so that everyone has had a chance to speak before others speak for a second time, and to expedite the business at hand.

The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of Council Members to vote and decide issues, regardless of personal hesitation. There will always be segments of the population dissatisfied with any decision. The purpose of government is to balance, legally, fairly and without favor, the limitations, restrictions or losses that are to be placed upon the individual or several individuals against the good, the benefit or welfare of or to a majority of the people.

The electors have delegated to the City Council the right, the power and the duty to act; the same electors have reserved to themselves the rights of (1) Petition, (2) Election, (3) Recall, (4) Referendum, (5) Initiative, and (6) Taxpayers' suits. Both the Council Members and the electors must accept the authority of powers given (or reserved) to them, and exercise the same accordingly and in good faith.

Roberts Rules of Order – Except as provided herein, and unless provision to the contrary is made in the laws of the State of California, the procedures of the City Council shall be governed by the latest revised edition of Roberts Rules of Order.

V. MAYOR/VICE MAYOR SELECTION

The mayor and vice mayor shall be chosen at the second regular meeting in November in even numbered years and at the meeting certifying the election of new council members in odd numbered years unless a special meeting is scheduled to install the mayor and vice mayor.

The mayor and the vice mayor shall be selected each year by a majority vote of the City Council.

VI. COUNCIL MEMBER ADMINISTRATIVE SUPPORT

A. Mail - All letters addressed to the Mayor requiring a response from staff are copied to all Council Members (Note: we don't make such notation). Cards and other Council Member mail marked "personal" will not be copied to the full City Council.

B. . E-mail sent to both the Mayor and all Council members should be forwarded to the City Clerk for a coordinated response from appropriate City staff. Individual members are encouraged to send an acknowledgement reply indicating the matter has been referred to the City staff for response. This acknowledgement should be copied to the other Council members so the original sender does not receive five acknowledgements. Council will be copied on all staff responses to the original email. (Council may wish to discuss and further clarify this).

- C. Council Correspondence - All Council Member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full City Council, not individual Council Members' positions. All Council Member correspondence using City resources will be copied to the full City Council. For example, responses to citizen letters will be copied to the full City Council and City Clerk along with the original citizen correspondence. Generally, letters reflecting the City position will be prepared for the Mayor's signature.
- D. Personal Correspondence - City Council Members should use personal stationary or City "Thank You" notes, not City letterhead, for communications reflecting their personal positions, not the positions of the full City Council. These communications will be prepared and sent at the expense of individual Council Members, and may include the use of the City logo.

Clerical Support - The City Manager's Office will coordinate the preparation of correspondence requested by individual Council Members. All correspondence typed for Council Members will be on City letterhead and will reflect the position of the full City Council, not individual Council Members, and will be copied to the full City Council and City Clerk.
- E. Master Calendar - A master calendar of City Council events, functions or meetings will be provided to the full City Council. Functions, events or meetings to be attended by individual Council Members will not be included on the master calendar.
- F. Requests for Research or Information - Council Members may request information or research from the City Manager or Department Heads on a given topic directly when it is anticipated that the request can be completed by staff in less than an hour. Council Member requests for research or information that is anticipated to take staff more than one hour to complete should be directed to the City Manager. Requests anticipated to take more than 40 hours of staff time will be added to the "Priority Calendar" list. Requests for new information or policy direction can be brought to the full Council at a regular meeting for consideration under the procedures for Item 9's. All written products will be copied to the full City Council and City Clerk.
- G. Council Notification of Significant Incidents - In conjunction with the City Manager's Office, the Police Department and South County Fire will coordinate the notification to City Council of major crime, fire or other incidents.
- H. Reimbursements -- Consistent with AB 1234, reimbursement of Council Member expenses shall conform to City Council Resolution No. 9749 or RDA Resolution No. 427 (as applicable), and any authorized amendments thereto, herein incorporated as Appendix B.

Application of Guidelines – The Mayor shall be responsible for the application of these guidelines to particular circumstances.

I. Compensation

Payment of Salary - Belmont City Council will be paid a salary in accordance with Ordinance 896 or any future updates. Council Members also receive the same Flexible Benefits package as provided to the Management Confidential employees.

Tax Reporting - This will be in accordance with applicable City of Belmont Resolutions.

- J. Inappropriate Actions - The City Council has delegated the Mayor the responsibility to discuss, on behalf of the full Council, any perceived or inappropriate action by an individual Council Member or by commissioners. The Vice Mayor will discuss perceived inappropriate actions with the Mayor when the Mayor is directly involved in the incident(s). The Mayor or Vice Mayor will discuss with the Council Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Mayor or Vice Mayor will report the concern to the full Council.

VII. COMMISSIONS

A. *Appointments*

The City has three commissions that advise the Council: Finance, Parks and Recreation, and Planning. Terms for Finance and Planning Commissioners are three years, Parks and Recreation (Adult) Commissioners are two years, and Parks and Recreation Youth Commissioners are one year. Terms begin in March. In January, the City Clerk will advertise for commission vacancies; City Clerk publicizes the vacancies and deadline in a number of ways. A meeting to interview the candidates is generally scheduled for February. Around the last meeting in February, Council votes via ballot and adopts a Resolution appointing the commissioners. (Staff suggests the following verbiage, which captures current practice: "Successful candidates must receive three votes in order to be appointed.")

In order to expedite the process should a vacancy occur within one year of interviews, staff is authorized to contact any applicants who were not selected to see if s/he is still interested in serving.

The names of those applicants interested in being appointed will be brought directly to Council for consideration or for alternative direction.

B. *Recognition*

Traditionally, the City hosts a dinner annually to recognize commissioners for their

service to the community. Generally the dinner is in mid-February. Milestones of service can be recognized at the event. Staff from the departments that have commissions rotate the coordination of the dinner.

In addition, Council proclamations are presented to those commissioners whose terms have ended at a future Council meeting, or in another manner as agreed upon between the outgoing Commissioner and the Mayor.



City Council Agenda Item 9-____
Meeting of _____

CITY OF BELMONT

City Councilmember Agenda Item 9

FROM: (Insert Name of Councilmember)

RE: (Title of Item 9)

City Councilmembers:

Description of Issue/Request

(Briefly describe what the issue is about and/or what you are asking from the City Council, providing as much background information as possible so that the rest of Council has a general idea what the request is about. This will assist staff in ascertaining its future involvement as well.)

Ex: I am requesting the Council consider a resolution supporting legislation regarding (fill in the blank), or, I would like the Council to consider an ordinance (fill in the blank).

Approximately how much staff involvement will this item take? (Describe types of tasks you think staff will need to undertake to report back to Council with more information, or to implement whatever process/procedure you are proposing. Be realistic!)

Financial Implications? (You may need to take a guess at this, or it may be “not applicable” or “negligible”.)

How time sensitive is this issue?

General Plan/Vision Statement

(How does this idea match the goals of the General Plan or Vision Statement?)

Attachments

- A.
- B.

Councilmember Signature

(Note: directions in parentheses should be deleted with final report.)

CITY COUNCIL RESOLUTION NO. 9749
RESOLUTION OF THE CITY OF BELMONT SPECIFYING OFFICIAL FUNCTIONS
FOR WHICH REIMBURSEMENT OF COSTS OF ATTENDANCE IS AUTHORIZED
AND APPROVING A REIMBURSEMENT POLICY

WHEREAS, the City has adopted a policy specifying the procedures and policies for reimbursement of expenses.

WHEREAS, the Chapter 700 of the 2005 California Statutes requires the City to specify what official functions are subject to reimbursement for attendance costs for City officials if a function does not fit into the three narrow categories identified by the Legislature.

WHEREAS, the City takes its stewardship over the use of its limited public resources seriously.

WHEREAS, public resources should only be used when there is a substantial benefit to the City.

WHEREAS, such benefits include : 1) discussing the community's concerns with state and federal officials; 2) participating in regional, state and national organizations whose activities affect the City; 3) attending educational seminars designed to improve officials' skill and information levels ; and 4) promoting public service and morale by recognizing such service.

WHEREAS, 1) legislative and other regional, state and federal agency business is frequently conducted over meals 2) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns; and 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law.

WHEREAS, this policy provides guidance to elected and appointed officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured.

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

WHEREAS, this policy also applies to any charges made to a City credit card, cash advances or other line of credit.

WHEREAS, as an example, attendance at meetings and events of the following organizations are an integral part of service as a Councilmember for the City in representing the City's interests and hearing and learning about and sharing the far-reaching concerns of the community:

- Association of Bay Area Governments (ABAG)
- Belmont Chamber of Commerce
- California Legislature

- City/County Association of Governments (C/CAG)
- Cities Selection Committee
- Council of Cities (Council of Mayors)
- League of California Cities, both Peninsula Division and State
- League of Women Voters (North San Mateo County and South San Mateo County chapters)
- North County Council of Cities
- SAMCEDA
- San Mateo County Convention & Visitors Bureau
- San Mateo County Progress Seminar
- Neighborhood Association Meetings

WHEREAS, reimbursement of the costs of attendance at these events and meetings to City officials is appropriate and should be authorized, subject to available funds in the relevant budgets.

NOW, THEREFORE, BE IT RESOLVED that the City of Belmont does hereby resolve as follows :

Section 1 . In addition to reimbursement for functions and activities specified in Chapter 700 of 2005 California Statutes, reimbursement for the costs of attendance by City officials at meetings and events of the above-enumerated and similar organizations is authorized and that all expense reimbursements shall be processed pursuant to and governed by the policy attached hereto as Exhibit A, Reimbursement Policy.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on February 14, 2006 by the following vote:

AYES, COUNCILMEMBERS : Lieberman, Feierbach, Warden, Dickenson, Mathewson

NOES, COUNCILMEMBERS : None

ABSTAIN, COUNCILMEMBERS : None

ABSENT, COUNCILMEMBERS: None

/s/CLERK of the City of Belmont

APPROVED: /s/MAYOR of the City of Belmont

EXHIBIT A

REIMBURSEMENT POLICY

As used herein, the term "City" shall mean the City Council of Belmont, the City of Belmont Redevelopment Agency, Planning Commission, Finance Commission, Park & Recreation Commission; the term "City official" shall mean the members of said agencies; and the term "days" shall mean calendar days.

AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

- 1 . Communicating with representatives of local, regional, state and national government on City adopted policy positions,
2. Attending educational seminars designed to improve City officials' skill and information levels,
- 3 . Participating in regional, state and national organizations whose activities affect the City's interests;
- 4 . Recognizing service to the City (for example, thanking a long-time employee with a retirement gift or celebration of nominal value and cost);
- 5 . Attending City events;
- 6 . Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member.

All other expenditures require prior approval by the City Council.

The following expenses also require prior City Council approval:

- I . International and out-of-state travel; and
2. Expenses which exceed the annual budget established by the City Council for travel expenses.

Examples of personal expenses that the City will not reimburse include, but are not limited to:

- 1 . The personal portion of any trip;
- 2 . Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
- 4 . Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- 6 . Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

COST CONTROL

To conserve City resources and keep expenses within community standards for City officials, expenditures should adhere to the following guidelines.

TRANSPORTATION

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. In the event that a more expensive transportation form or route is used, the cost borne by the City will be limited to the cost of the most economical, direct, efficient and reasonable transportation form.

Automobile mileage is reimbursable at Internal Revenue Service rates presently in effect (see www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

LODGING

Lodging costs will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed the group rate published by the conference sponsor for the meeting in question. For overnight stays in other contexts, another helpful source of guidance is Internal Revenue Service per diem rates for lodging, which include adjustments for higher cost locations (see Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem). The site also has references to hotels that have government rates at or below Internal Revenue Service per diem limits.

MEALS

Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations (see Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem).

The City will not pay for alcohol/personal bar expenses.

TELEPHONE/FAX/CELLULAR

City officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

AIRPORT PARKING

Long-term parking should be used for travel exceeding 24-hours.

OTHER

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

CASH ADVANCE POLICY

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager ten (10) days prior to the need for the advance with the following information:

- The purpose of the expenditure(s);
- The benefits of such expenditure to the residents of City;
- The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
- The dates of the expenditure(s).

Any unused advance must be returned to the City treasury within five (5) days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the City Manager is uncertain as to whether a request complies with this policy, the City Manager shall seek resolution from the City Council.

CREDIT CARD USE POLICY

City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses. City office holders may use the City's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted within ten (10) business days of use.

City credit cards may not be used for personal expenses, even if the official subsequently reimburses the City.

EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE

Expense reports must document that the expense in question met the requirements of the policy. For example, if the meeting is with a legislator, the City official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.

City officials must submit their expense reports within thirty (30) days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

AUDITS OF EXPENSE REPORTS

All expenses are subject to verification of compliance with this policy.

REPORTS TO GOVERNING BOARD

At the following meeting, each City official shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

COMPLIANCE WITH LAWS

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

VIOLATION OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the City's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.